

REMARKS

This is in full and timely response to the Office Action mailed on December 20, 2007. Reexamination in light of the following remarks is respectfully requested.

Claims 9-36 are currently pending in this application, with claims 9, 16, 20, 23 and 32 being independent. *No new matter has been added.*

Entry of amendment

This amendment *prima facie* places the case in condition for allowance. Alternatively, it places this case in better condition for appeal.

Accordingly, entry of this amendment is respectfully requested.

Prematureness

Applicant, seeking review of the prematureness of the final rejection within the Final Office Action, respectfully requests reconsideration of the finality of the Final Office Action for the reasons set forth hereinbelow. See M.P.E.P. §706.07(c).

New non-final Office Action

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a *new non-final Office Action* is respectfully requested.

Rejection under 35 U.S.C. §101

While not conceding the propriety of this rejection and in order to advance the prosecution of the above identified application, claims 32-36 have been amended in the manner suggested.

Withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. §103

Paragraph 4 indicates a rejection of claims 9-36 under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent No. 6,675,215 to Cedola (Cedola) and the Description of the Related Art (AAPA).

This rejection is traversed at least for the following reasons.

Paragraph [0019] of U.S. Patent Application Publication No. 2004/0199708, the publication document for the above-identified application, provides that:

[0019] The timing notice apparatus 4 has a timing generation unit 12, in which a synchronization information extraction circuit 13 is arranged. The synchronization information extraction circuit 13 of the timing generation unit 12 receives a reference signal S1 provided from outside, and sequentially extracts frame synchronization information stored in the reference signal S under frame timing and concurrently sends thus extracted frame synchronization information to the USB controller 11 through the CPU 10 as a timing notice signal S2 for the frame timing notice so as to input the timing notice signal S2 to an end point for USB interrupt transfer arranged in the USB controller 11.

Figure 1 of Cedola arguably shows a computer system 20 having a host computer 22 connected to a client computing device 24 via a serial connection 26 (Cedola at column 2, lines 58-60).

The Office Action appears to associate element 24 of Cedola with the computer found within the claims of the present application and appears to associate element 22 with the timing notice apparatus found within the claims of the present application (Office Action at page 3).

*** Here, the Office Action admits that Cedola fails to teach the presence of a timing generation unit being adapted to extract frame synchronization information from a reference signal (Office Action at page 3). ***

To account for this feature admittedly being deficient from within Cedola, the Office Action contends that AAPA teaches a timing generation unit being adapted to extract frame synchronization information from a reference signal (Office Action at page 3).

In response to this contention, the Description of the Related Art (AAPA) may be found within paragraphs [0004]-[0006] of U.S. Patent Application Publication No. 2004/0199708, the publication document for the above-identified application. Paragraph [0005] of U.S. Patent Application Publication No. 2004/0199708 provides that:

[0005] In the conventional editing system, in some cases, a personal computer is provided with a reference signal in which frame synchronization information is sequentially stored under timing indicative of temporal beginning of a temporally consecutive frame corresponding to a frame frequency of image data to be edited (referred to as frame timing, hereinafter) so as to edit the image data to be edited in synchronization with the frame timing generated by extracting the frame synchronization information from the reference signal.

In this regard, the Office Action appears to conclude that host computer 22 of Cedola and the personal computer of AAPA (AAPA at paragraph [0005]) are one in the same (Office Action at pages 3-4).

*** However, AAPA fails to teach the personal computer of AAPA as being capable of transmitting the frame synchronization information of AAPA to another device. ***

Cedola arguably teaches that according to this protocol, the client computing device 24 initiates a communication session by sending over a message consisting of the text string "C", "L", "I", "E", "N", "T" and the host computer 22 replies with a message ""S", "E", "R", "V", "E", "R", "C", "L", "I", "E", "N", "T"" (Cedola at column 3, lines 38-40).

*** However, the Office Action fails to show why the skilled artisan would have considered the message ""S", "E", "R", "V", "E", "R", "C", "L", "I", "E", "N", "T"" from the host computer 22 of Cedola and frame synchronization information found within AAPA to have been one in the same. ***

Instead, the invention of Cedola concerns a baud rate detection system and method for automatically detecting the baud rate at which a client computing device is communicating with a host computer over a serial connection (Cedola at column 2, lines 16-19), whereas AAPA provides for a personal computer is provided with a reference signal in which frame synchronization information is sequentially stored under timing indicative of temporal beginning of a temporally consecutive frame corresponding to a frame frequency of image data to be edited (referred to as frame timing, hereinafter) so as to edit the image data to be edited in synchronization with the frame timing generated by extracting the frame synchronization information from the reference signal (AAPA at paragraph [0005]).

Moreover, Cedola fails to teach host computer 22 of Cedola as transmitting frame synchronization information upon receipt of the text string "C", "L", "I", "E", "N", "T" from the client computing device 24 of Cedola.

Additionally, the Office Action fails to show that the skilled artisan would have been motivated to refer to the frame synchronization information of AAPA as a suitable replacement for the message ""S", "E", "R", "V", "E", "R", "C", "L", "I", "E", "N", "T"" from the host computer 22 of Cedola. See, for example, *In re Dillon*, 13 USPQ2d 1337, 1342 (Fed. Cir. 1989), and M.P.E.P. §2143.01, section "*The Proposed Modification Cannot Change The Principle Of Operation Of A Reference.*"

Cedola and AAPA, either individually or as a whole, fail to disclose, teach, or suggest all features of the claims found within the present application.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Therefore, this response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

There is no concession as to the veracity of Official Notice, if taken in any Office Action. An affidavit or document should be provided in support of any Official Notice taken. 37 CFR 1.104(d)(2), MPEP § 2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

Fees

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees. If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

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Respectfully submitted,

By  40,290

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